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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

KODY BROWN, MERI BROWN,
JANELLE BROWN, CHRISTINE
BROWN, ROBYN SULLIVAN,

Plaintiffs,

vs.

JEFFREY R. BUHMAN, in his official
capacity as County Attorney for Utah
County,

Defendants.

**SECOND
DECLARATION OF
JEFFREY R. BUHMAN,
UTAH COUNTY ATTORNEY**

Case: 2:11CV00652

Judge Clark Waddoups

DECLARATION OF JEFFREY R. BUHMAN

I, Jeffrey R. Buhman, do declare:

1. I am the County Attorney for Utah County, State of Utah, and have been since
January of 2007.

2. In October, 2010, the Utah County Attorney's Office received a report from the Lehi City Police Department regarding the airing of the TLC television series "*Sister Wives*," in which Kody Brown claimed to be a resident of Lehi City, in Utah County, and admitted to being married to three women. Very little was revealed in the Lehi City police report that was not made public in the airing of the first episodes of "*Sister Wives*."

3. To my knowledge, the Lehi City Police Department's report was the first time a police report had been submitted to the Utah County Attorney's office during my tenure as County Attorney alleging the offense of bigamy in violation of Utah Code § 76-7-101 where the bigamy was not related to marriage fraud or the failure to obtain a divorce prior to remarrying.

4. In response to the Lehi City Police Department's report my office opened a case file – as we do for all police reports submitted to our office – on the Browns.

5. I never stated publically that I would or would not prosecute the Browns, though I am aware others in my office may have responded to the press to that effect (or at least the press reported that they did). This case was unusual because of the national attention directed at the Browns as a result of their being the subject of a national TV show.

6. At the time of the Lehi City Police Department's report, the Utah County Attorney's Office did not have a formal policy regarding the prosecution of bigamy and no one in the office had any recollection of the Utah County Attorney's Office ever prosecuting anyone for the practice of bigamy except, however, for the occasional bigamy case for marriage fraud or for failure to obtain a divorce prior to remarrying.

7. At the time the Lehi City police report was submitted to this office I was aware of other cases in which polygamists had been prosecuted in Utah, particularly the Tom Green case, but to my knowledge those prosecutions for bigamy were in conjunction with the defendants committing other crimes.

8. As Utah County Attorney, I have now adopted a formal office policy not to prosecute the practice of bigamy unless the bigamy occurs in conjunction with another crime or a person under the age of 18 was a party to the bigamous marriage or relationship.

9. The policy, as officially adopted by the Utah County Attorney's Office, states:

Prosecution of Bigamy Crimes:

The Utah County Attorney's Office will prosecute the crime of bigamy under Section 76-7-101 in two circumstances: (1) When a victim is induced to marry through their partner's fraud, misrepresentations or omissions; or (2) When a person purports to marry or cohabits with another person in violation of Section 76-7-101(1) and is also engaged in some type of abuse, violence or fraud. This office will prosecute the crime of child bigamy under Section 76-7-101.5 regardless of whether one of the parties is also engaged in some type of abuse, violence or fraud.

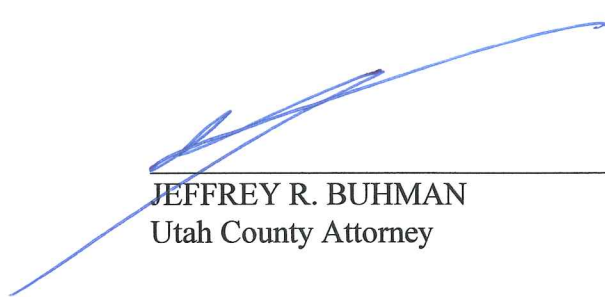
10. This policy is intended, under the prosecutorial discretion exercised by this Office, to prevent the future prosecution in Utah County of bigamous marriages entered into for religious reasons.

11. The Utah County Attorney's Office has concluded its investigation of the Browns and has determined that no other prosecutable crimes related to the bigamy allegation have been or are being committed by the Browns in Utah County as of the date of this declaration. I have therefore determined that bigamy charges will not be filed by the Utah County Attorney's Office against Kody Brown, Meri Brown, Janelle Brown, Christine Brown, or Robyn Sullivan.

12. Accordingly, for the Utah County Attorney's Office, the criminal case against the Browns is closed and no charges will be filed against them for bigamy unless new evidence is discovered which would comport with the Office's new policy pertaining to the prosecution of bigamy crimes.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

DATED this 22nd day of May, 2012.



JEFFREY R. BUHMAN
Utah County Attorney